

The Gazette of India

EXTRAORDINARY

PART II—Section 2

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COUNCIL OF STATES

The following Bill was introduced in the Council of States on the 30th July, 1952:—

BILL No. IV OF 1952

A

BILL

further to amend the Cantonments Act, 1924.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the *Cantonments (Amendment) Act, 1952*.

2. Amendment of section 2, Act II of 1924.—In section 2 of the *Cantonments Act, 1924* (hereinafter referred to as the principal Act),—

(a) after clause (ii) the following clause shall be inserted, namely:—

“(iii) “boundary wall” means a wall which abuts on a street and which does not exceed eight feet in height;

(b) in clause (iv), for the brackets and words “(other than a boundary wall not exceeding eight feet in height and not abutting on a street)” the brackets and words “(other than a boundary wall)” shall be substituted.

3. Omission of section 2A, Act II of 1924.—Section 2A of the principal Act shall be omitted.

4. Amendment of section 4, Act II of 1924.—In sub-section (I) of section 4 of the principal Act, after the words “The Central Government may,” the words “after consulting the State Government concerned,” shall be inserted.

5. Amendment of section 12, Act II of 1924.—In the proviso to sub-section (1) of section 12 of the principal Act, for the words "Provided that" the following shall be substituted, namely:—

"Provided that where a member of the Military Lands and Cantonments Service is not readily available for such appointment, a Military Officer may be appointed as an Executive Officer."

Provided further that "

6. Amendment of section 26, Act II of 1924.—In sub-section (3) of section 26 of the principal Act,—

(a) the words "or the inhabitants into classes," shall be omitted; and

(b) the words "or class, as the case may be" shall be omitted.

7. Amendment of section 28, Act II of 1924—In sub-section (2) of section 28 of the principal Act, after clause (dd) the following clause shall be inserted, namely:—

"(ddd) is a member of any other local authority; or"

8. Omission of section 30, Act II of 1924.—Section 30 of the principal Act shall be omitted.

9. Amendment of section 31, Act II of 1924.—In section 31 of the principal Act,—

(i) in clause (a) the words "or of the inhabitants of a cantonment into classes, or both" shall be omitted;

(ii) in clause (b) the word "or class of persons" shall be omitted.

10. Amendment of section 34, Act II of 1924.—To clause (b) of sub-section (1) of section 34 of the principal Act, the following *Explanation* shall be added, namely:—

Explanation.—In computing the aforesaid period of three consecutive months, no account shall be taken of any period of absence with the leave of the Board.

11. Amendment of section 43A, Act II of 1924.—In sub-section (1) of section 43A of the principal Act, for the words "bazar areas" the words "civil areas" shall be substituted

12. Amendment of section 73, Act II of 1924.—In sub-section (3) of section 73 of the principal Act, for the words "as the Executive Officer may direct," the words "as may be determined by rules made under section 280," shall be substituted.

13. Amendment of section 103, Act II of 1924.—For sub-section (2) of section 103 of the principal Act, the following sub-section shall be substituted, namely:—

"(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it within the period specified in this behalf by the Executive Officer or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees and shall also be liable to be assessed at such amount on account of tax as the Executive Officer may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final."

14. Amendment of section 113, Act II of 1924.—In clause (b) of sub-section (1) of section 113 of the principal Act, for the words "one hundred rupees" the words "two hundred rupees" shall be substituted.

15. Amendment of section 114, Act II of 1924.—In sub-section (1) of section 114 of the principal Act,—

(a) for the words "fifty rupees" the words "one hundred rupees" shall be substituted ;

(b) in the proviso, for the words "two hundred rupees" the words "five hundred rupees" shall be substituted.

16. Amendment of section 118, Act II of 1924.—In sub-section (4) of section 118 of the principal Act,—

(a) after the word "picketed" the words "or straying" shall be inserted; and

(b) the words "as if the animal had been found straying" shall be omitted.

17. Amendment of section 181, Act II of 1924.—In sub-section (6) of section 181 of the principal Act, for the words "one month", wherever they occur, the words "two months" shall be substituted:

18. Amendment of section 185, Act II of 1924.—In sub-section (1) of section 185 of the principal Act, for the words "six months" the words "twelve months" shall be substituted.

19. Substitution of new section for section 200, Act II of 1924.—For section 200 of the principal Act, the following section shall be substituted, namely :—

"200. *Power to transfer by public auction, etc.*—The Board may transfer by public auction, for any period not exceeding three years at a time, the right to occupy or use any stall, shop, standing, shed or pen in a public market, or public slaughter house, or the right to expose goods for sale in a public market or the right to weigh or measure goods sold therein, or the right to slaughter animals in any public slaughter house:

Provided that where the Board is of opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief of the Command,—

(a) either levy such stallages, rents or fees as it thinks fit ; or

(b) farm the stallages, rents and fees leviable under clause (a) for any period not exceeding one year at a time."

20. Amendment of section 210, Act II of 1924.—To sub-section (2) of section 210 of the principal Act, the words "or that the premises in which the business is intended to be established or maintained are unsuitable for the purpose" shall be added.

21. Amendment of section 235, Act II of 1924.—In section 235 of the principal Act,—

(a) after the words "Officer Commanding the station", wherever they occur, the words "or the Board" shall be inserted;

(b) after the words "before him" the words "or the Board, as the case may be" shall be inserted;

(c) for the words "he may" the words "the Officer Commanding the station or, as the case may be, the Board may" shall be substituted.

22. Amendment of section 237, Act II of 1924.—In section 237 of the principal Act,—

(a) after the words "Officer Commanding the station", wherever they occur, the words "or the Board" shall be inserted.

(b) for the words "as he thinks necessary" the words "as he or it thinks necessary" shall be substituted;

(c) for the words "he may" the words "he or, as the case may be, the Board may" shall be substituted.

23. Amendment of section 259, Act II of 1924.—In section 259 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "arrears of any tax and any other money recoverable by a Board under this Act," the words "arrears of any tax, rent on land and buildings and any other money recoverable by a Board or a Military Estates Officer under this Act or the rules made thereunder" shall be substituted;

(ii) for the words "tax or money" the words "tax, rent or money" shall be substituted;

(b) in sub-section (2) after the words "by the Executive Officer" the words "or the Military Estates Officer" shall be inserted.

24. Amendment of section 280, Act II of 1924.—In sub-section (2) of section 280 of the principal Act,—

(a) after clause (k), the following clauses shall be inserted, namely:—

"(l) the grant of leave to the members of the Board;

(m) the form of notices required to be sent under this Act and the manner of their service."

25. Amendment of section 286A, Act II of 1924.—Section 286A of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution, all or any of its functions under sub-section (3) of section

82, sub-section (3) or clause (b) of sub-section (5) of section 119, section 181, sub-section (2) of section 182, section 148, section 161, section 163, section 164, section 168, section 169, section 189, section 190, section 191, section 194, section 195, section 196 or section 197."

STATEMENT OF OBJECTS AND REASONS

In pursuance of a recommendation of the Conference of the Local Self-Government Ministers of States held on the 7th August, 1948, the Government of India set up the Central Committee on Cantonments under the Chairmanship of Shri S. K. Patil. The Committee *inter alia* reviewed the working of the Cantonments Act, 1924 and after taking into account the views and suggestions of State Governments, Local Bodies, Associations and individuals, made certain recommendations for amending the Act. The amendments proposed in this Bill are mainly based on the recommendations of that Committee. The amendments aim largely at increasing the efficiency of administration of Cantonment Boards and to bring the system of election in line with general principles adopted for Parliamentary and Municipal elections. It is proposed to abolish communal reservation on Boards and also to provide that one person should not be allowed to be a member of two Local Bodies at the same time. Certain consequential changes have also been made as a result of the introduction of adult franchise. Power has been taken by the Government to fill up short term vacancies in the office of the Executive Officer by Military Officers when officers of the Military Land and Cantonment Service are not readily available. Boards have been vested with greater powers in respect of recovery of dues and other matters for the sake of improving the efficiency in the administration. Certain amendments are intended to clarify some doubts about the application of certain sections. The Bill also deals with some minor difficulties disclosed by the working of the Act.

N. GOPALASWAMI.

NEW DELHI;

The 17th July, 1952.

S. N. MUKERJEE, *Secy.*

NEW DELHI;

The 30th July, 1952.

